

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

SONIA LEE LaSEUR,	:	
	:	
Petitioner,	:	
	:	Case Number: 1:05cv33
vs.	:	
	:	District Judge Susan J. Dlott
WARDEN, Hocking Correctional Facility,	:	
	:	
Respondent.	:	

ORDER

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Timothy S. Black filed on February 22, 2006(Doc. 7), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired March 8, 2006, hereby ADOPTS said Report and Recommendations.

Accordingly, Respondent's Motion to Dismiss (Doc. 6) is GRANTED, and Petitioner's petition for writ of habeas corpus pursuant to 28 USC §2254 (Doc. 2) is DISMISSED with prejudice as time-barred under 28 USC §2244(d); a certificate of appealability should not issue with respect to any Order adopting the Report and Recommendation to dismiss the petition with prejudice on procedural statute of limitations grounds, because under the first prong of the applicable two-part standard enunciated in *Slack v. McDaniel*, 529US 473, 484-85 (2000), "jurists of reason" would not "find it debatable whether this Court is correct in its procedural ruling". The court certifies pursuant to 28 USC §1915(a)(3) that an appeal of any order adopting the Report and Recommendation would not be taken in "good faith" and therefore DENIES petitioner leave to proceed on appeal *in forma pauperis* upon a showing of financial necessity.

See Fed.R. App.P.24(a); *Kincade v Sparkman*, 117 F.3d949,952 (6th Cir. 1997).

IT IS SO ORDERED.

s/Susan J. Dlott
Susan J. Dlott
United States District Judge